

Date Posted: April 12, 2013

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

April 16, 2013

**Council Chambers, City Hall, 145 Taunton Avenue, East Providence,
RI 02914**

6:45PM Executive Session - Claims Room, 101

Executive Session to Follow Public Meeting, Room 101

7:30 P.M. Open Session

I. EXECUTIVE SESSION

The City Council of the City of East Providence will meet in Executive Session pursuant to RI General Laws § 42-46-5 (a) (2)

A. New Claims

- 1. Paul Breault**
- 2. Gregory Carpenter**
- 3. Karen Emmes**
- 4. Johannah Kenney**
- 5. Peter Leddy**
- 6. Gina M. Morris**
- 7. USAA Insurance**

B. Litigation

- 1. Dorcas Henderson vs City of East Providence**
- 2. Kenlin Properties, LLC vs City of East Providence & ZBOR**

3. Tabatha Glavin vs City of East Providence

II. CALL TO ORDER

III. SALUTE TO THE FLAG

IV. TO APPROVE THE CONSENT CALENDAR

All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.

A. Letters Received

1. City of Newport Resolutions opposing mandatory continuation of an existing teacher, police officer, firefighter or municipal employee collective bargaining agreement and opposing mandatory binding arbitration on monetary matters for school teacher, other school employees and municipal employees.

2. Town of Charlestown Resolutions opposing H5703, the Dry Lands Bill, H5425, S640 and S672 the OWTS Bill, H5393 Municipal Notice Registry, H5340 Binding Teacher Contract Arbitration, S640.

- 3. Coastal Resources Management Council April 2013 Council.**
- 4. Narragansett Bay Commission Construction, Engineering and Operations Committee Meeting, Personnel Committee Meeting, Joint Long Range Planning and Finance Committee Meeting and Monthly Board Meeting, Tuesday, April 2, 2013.**
- 5. Town of Hopkinton Resolutions opposing Contract Continuation Legislation and Mandatory Binding Arbitration Legislation.**
- 6. Coastal Resources Management Council Simi Monthly Meeting Tuesday April 9, 2013.**
- 7. Coastal Resources Management Council Administrative Procedures Act proposed changes, Red Book Section 210.2 Barriers Island and Spits.**
- 8. Notice of New Property Number, CL White Construction, PO Box 221, Barrington (02806), from 135 Dewey Ave to 142 Dewey Ave, Map 305, Block 10, Parcel 025.00, Zoning R4.**
- 9. Notice of New Property Number, Arnold Walker, 142 Dewey Ave, from 142 Dewey Ave to 146 Dewey Ave, Map 405, Block 03, Parcel 035.00, Zoning R4.**
- 10. Notice of New Property Number, Lori J Minicucci, 144 Dewey Ave, from 144 Dewey Ave to 148 Dewey Ave, Map 405, Block 03, Parcel 037.00, Zoning R4.**
- 11. Notice of New Property Number, David C & Maria C Cabral 146 Dewey Ave, from 146 Dewey Ave to 150 Dewey Ave, Map 405, Block 03, Parcel 037.10, Zoning R4.**
- 12. Notice of New Property Number, Silver Lining Corp, PO Box 221, Barrington (02806), from 148 150 Dewey Ave to 152 154 Dewey Ave,**

Map 405, Block 03, Parcel 038.00, Zoning R4.

13. Notice of New Property Number, Barlow, Allen F List Est & Keith Perry 152 Dewey Ave, from 152 Dewey Ave to 156 Dewey Ave, Map 405, Block 03, Parcel 039.00, Zoning R4.

14. Resolution Coventry Town Council in opposition to Mandatory Binding Arbitration Legislation and Mandatory Contract Continuation Legislation.

15. Resolution Town of Jamestown in opposition to Contract Continuation Legislation and Binding Arbitration Legislation.

B. Council Journals

1. Regular Meeting April 2, 2013

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

V. PUBLIC COMMENT

VI. PROCLAMATIONS AND PRESENTATIONS

A. Presentation on the Odd Fellows Building by Ned Connors, Chair of the East Providence Historic District Commission

VII. APPOINTMENTS

**A. Conservation Commission Re- Appointment (by Mayor Briden)
James Boyd, 15 Oriole Street (02916)**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

B. Soccer Committee (by Councilwoman Rossi)

Karen Doucet 44 Peck Ave (02915)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

C. Soccer Committee (by Councilwoman Capobianco)

Steve Sousa, 11 Hazelwood Ave (02914)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

D. Fireworks Committee (by Councilwoman Rossi)

Kim Nunes, 1 Indian Road (02915)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

VIII. LICENSES NOT REQUIRING PUBLIC HEARING

A. Vict/Not Over 25 - Transfer

**From Wayne Hawksley DBA Clockwork Deli & Catering to JD LLC
DBA Clockwork Deli, 446 North Broadway (02916), John E Deaton,
17 Morra Way (02916)**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

B. Carnival

**The Gordon School, 45 Maxfield Avenue (02914), Zehra Rizvi, 111
Upton Avenue Providence (02906)**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

C. Peddler

Levi Medina DBA Portu-Galo, 22 Berkeley Street (02914)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

IX. PUBLIC HEARING - SHOW CAUSE HEARING

Personnel Hearing Board Appointment Status

Manuel Sousa, 1449 South Broadway (02914)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

X. PUBLIC HEARING - ORDINANCES FINAL PASSAGE

1. An ordinance pertaining to sponsor signs for the "Adopt an

Island" Program.

AN ORDINANCE IN AMENDMENT OF CHAPTER 13 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "PUBLIC PLACES"

SECTION I. Sec. 13-1 entitled "Where signboards, structures prohibited" of Article I entitled "In General" of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Public Places" is amended to read as follows:

Sec. 13-1. No structure or signboard shall be constructed or used for outdoor advertising and no outdoor advertising shall be displayed or authorized in or on any property owned or controlled by the city and used for public purposes except for those structures or signboards authorized under the Adopt-an-Island Program.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Assistant Mayor Rose

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

2. An ordinance pertaining to sponsor signs for the "Adopt an Island" Program.

AN ORDINANCE IN AMENDMENT OF CHAPTER 19 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "ZONING"

SECTION I. Subsection (a)(6) of Section 19-439 entitled “Permitted signs and general provisions” of Article VII entitled “Signs” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, entitled “Zoning” is amended to read as follows:

Sec. 19-439 (a) (6) Adoptees of Adopt-an-Island Program, sponsor signs sold to advertisers, sponsors or boosters of youth sports teams or leagues which are placed within a field, stadium or arena and otherwise meet all applicable sections of city ordinances and regulations.

SECTION II. This ordinance shall take effect upon passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Assistant Mayor Rose

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

3. An ordinance amending firework sales under tents.

AN ORDINANCE IN AMENDMENT OF CHAPTER 8 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “LICENSES AND BUSINESS REGULATIONS”

SECTION I. Article II entitled “Miscellaneous Business and Occupational Licenses and Permits” of Chapter 8 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Licenses and Business Regulations” is amended by deleting therefrom the following:

Sec. 8-40. Fireworks.

A. No person who has a license as a stationary or itinerant solicitor pursuant to Article VII and Article VIII of this chapter shall sell, carry or store fireworks outdoors or inside a temporary structure in the City of East Providence. Those certain fireworks and devices that are exempt from the definitions of display fireworks and aerial consumer fireworks and are permitted to be sold and stored in the State of Rhode Island pursuant to Chapter 11-13 of the General Laws of Rhode Island may be sold or stored by a person who has a license as a stationary or itinerant solicitor pursuant to Article VII and VIII of this chapter, but only inside a permanent structure approved by the Zoning Official and the Fire Marshal and in a manner approved by the Zoning Official and the Fire Marshal.

B. No person who has a permit for door-to-door solicitation pursuant to Article VII of this chapter shall sell fireworks in the City of East Providence.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Assistant Mayor Rose

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

XI. NEW BUSINESS

A.City Managers Report (by City Manager Peter Graczykowski)

1. Departmental Activity Update

2. Award of RFP for Real Estate Broker Services

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

3. Request for Bid Award for Police Patrol Boat

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

4. Property Tax Classification Rates

5. Donation Check Box for Tax Bills

6. Police Explorer Program Funding

7. Earth Day Neighborhood Cleanups

8. EPPC Prescription Drug Take Back Day April 27th

**9. Notice of Mailing to East Providence Homeowner - American
Water Resources**

B.Reports of Other City Officials

1. Claims Committee Report (by City Solicitor Timothy Chapman)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

2. Piles of debris at 1 Dexter Road (by City Solicitor Timothy

Chapman)

C. Council Members

- 1. New carousel on City of East Providence website. (by Mayor Briden)**
- 2. Welcome Business to the City (by Councilwoman Capobianco)**
- 3. Angled Parking Option for Bullocks Point Avenue (by Councilwoman Rossi)**

E. Communications

- 1. Stacey Messier and Shane Messier, 86 Bay View Avenue (02915) requesting to address the Council a 5K Fun on May 25th at 9:00AM, proceeds to benefit the Townie Project to restore the High School Gymnasium and permission to close the following roads from 9:00AM- 9:15AM, Payette Street, Roslyn Avenue and Cotter Street.**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

- 2. Joseph Botelho, 82 Plymouth Road (02914) requesting to address the Council regarding irregular property revaluation results.**

- 3. Freddie Rybka, 9 Cozzens Avenue (02915) requesting to address the Council regarding roads/streets conditions/updates.**

- 3. Kara Russo Young, 4 Angell Road, Galilee (02882) requesting to address the Council regarding the presentation of signatures of**

hundreds of East Providence residents regarding the repeal of "a resolution in support of Senate Bill S38 and House Bill 5015 Substitute A relating to Domestic Relations - persons eligible to marry".

XII. EXECUTIVE SESSION

The City Council of the City of East Providence will meet in Executive Session pursuant to RI General Laws § 42-46-5 (a)(1)

A. City Manager Job Performance Review and Employment Agreement

XIII. ADJOURNMENT

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

*** Any items listed on the Council Docket may be subject to a vote.**

***If communications assistance is needed or any other accommodations to ensure equal participation please contact the City Clerk's Office at 435-7590.**